

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,
AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 22087 OF 2005

Date: 07.10.2005

BETWEEN:

Golla Lingappa @ Lingaiah

.... PETITIONER

And

1. The Mandal Revenue Officer, Gudibandla Mandal, Ananthapur District and others.

.... RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 22087 OF 2005

ORDER:

The petitioner and the 6th respondent herein were assigned lands in S.No.118-1 admeasuring Acs.2.23 and in S.No.118-5 admeasuring Acs.1.95 of Gudibandla Village, by the first respondent on 4.11.1985. The fifth respondent herein appealed to the second respondent, who by order dated 12.10.1997 set aside the assignment made by the first respondent on the ground that the petitioner and another are not landless poor persons as they have Acs.5.70 and also on the ground that they did not cultivate the land as per the terms of assignment. The petitioner filed a representation before the Joint Collector, which was dismissed on 21.8.2000 and further representation to fourth respondent was also dismissed on 4.3.2005. In this case the petitioner assails, primarily the proceedings of the fourth respondent dated 4.3.2005.

The learned counsel for the petitioner Sri P. Veera Reddy contends that it was

improper for the second respondent to have entertained the appeal after a lapse of five years. When the appeal was filed on 17.10.1990, and the copies of the report of the Mandal Revenue Officer were not furnished to the petitioner, and that the assignment in favour of the petitioner and sixth respondent was proper. This Court has perused the orders passed by the Appellate Authority, First Revisional Authority and Second Revisional Authority. As observed by the Commissioner for appeals, the petitioners did not produce any Adangals to prove their possession and enjoyment, which would only lead to an inference that they did not cultivate the land. Secondly as per the record and as noticed by the first Revisional Authority and the Second Revisional Authority, the petitioner and another were already owning an extent of Acs.5.70 whereas the fifth respondent was having only Acs.1.88. For this ground the assignment made in favour of ineligible persons was held to be illegal. Such a finding cannot be faulted, and no error is pointed out in this writ petition.

Insofar as the contention that the second respondent ought not to have entertained the appeal of the fifth respondent after a lapse of five years is concerned, it must be observed that the petitioner and sixth respondent obtained assignment representing that they are landless poor persons. When it was found that they are not landless poor persons for the reason that they own more than Acs.5.00 of land, the question of limitation would not arise as the initial assignment itself is obtained by misrepresentation.

In the result the Writ Petition is accordingly dismissed at the admission stage.

(V.V.S. RAO, J.)

7th October, 2005

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